

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting Minutes
June 25, 2020

Call to Order: **9:06 a.m.**

Closed Session: Melissa Wiatroluk

Council Present: Councilor Fred Harrington, Jr., Councilor Fred Kiogima, Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Marty Van De Car, Treasurer Marcella Reyes, Secretary Julie Shananaquet, Legislative Leader Emily Proctor

Absent: Councilor Leroy Shomin

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick Legislative, Office Manager Michele Portman-LaCount, Sr. Financial Analyst Rachel Cope, Tribal Historic Preservation Officer Melissa Wiatroluk, General Counsel James Bransky, Office of Citizens Attorney Cherie Dominic

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Executive Director Unit II Daugherty Johnson, Executive Director Unit I Phil Harmon, Chief Financial Officer Carrie Carlson

Judicial Officials and Staff: none

Public: Deb Browne, Sierra Boda, Kenny Dewey, Maanii Tall Cloud (last name), Christine Shomin, Doug (who), Carla Osawamick, Lily Anderson, Bernadece and Jesse Boda, Mary Roberts, Marvin Mulholland Will Ortiz, Chris Schrader,

Invited Guest: Census 2020 Bernadece Boda

Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Harrington Jr. to adopt the agenda for June 25, 2020 as amended.

Vote:8 - Yes, 0- No, 0- Abstained, 1- Absent (Councilor Leroy Shomin)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to dedicate this meeting in honor of the following Citizen(s) who have walked on: Jay Sharkey, Rene Burley, Carol Feathers, Vera Oom, Daniel Dunlop, Cheryl Tarver.

Vote:8 - Yes, 0- No, 0- Abstained, 1- Absent (Councilor Leroy Shomin)

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to approve the Regular Meeting minutes of June 11, 2020 as corrected.

Vote:8 - Yes, 0- No, 0- Abstained, 1- Absent (Councilor Leroy Shomin)

Motion carried.

Executive Oversight Report

Tribal Chairperson Regina Gasco-Bentley: Next round of COVID Funds affecting payment to Citizens needs application process. Will work on new Resolution to send to Tribal Council. Leadership needs to formulate what the application will require for new correspondence to Citizens. 2020 negotiations update. 2020 negotiations update.

Executive Director Unit II Daugherty Johnson and Executive Director Unit I Phil Harmon back in office rotating days. No July newsletter due to staff on leave. Victories Square working with Planning Department. Food boxes available again today and is not income based.

Executive Director Unit I Phil Harmon -Transition into phase II. Getting training schedule for building temperature/screening questionnaire takers. Opening by appointment only beginning this Monday. Strawberry picking at Berg farm-wear masks.

Tribal Minimum Internal Control Standards (TMICS)-need motion of Tribal Council.

New house at Harbor housing getting utilities installed.

Motion made by Councilor Melissa Pamp and supported by Councilor Marty Van De Car to acknowledge the verbal Executive Oversight Report as presented by Tribal Chairperson Regina Gasco-Bentley for June 25, 2020.

Vote: 8-yes, 0-no, 0 -abstained, 1-absent (Councilor Leroy Shomin)

Motion carried.

Census 2020 update - Bernadece Boda

Legislative Officer Reports:

Legislative Leader Report

Legislative Branch: Phase II, Lume Waivers.

Executive/Legislative/Judicial COVID19 update calls and CARES Funding.

Executive Branch: 401k provider finalist, the Budget, Nomination Process, Town Hall Meeting agenda and Zoom access for all Branches. Requested Netawn Kiogima Annual Community Meeting Speaker to provide update for Town Hall Meeting. Recognition of LTBB Fisherman communication.

General Counsel requested personnel on Tribal Council Agenda.

Legislative Services Attorney: Requested draft Amendment to Legislative Procedures Act and Meeting Procedures/Policy, Letter regarding the nomination of Marvin Mulholland for Gaming Authority. Sent edits for the Odawa Economic Affairs Holding Company Statue and Audit Requirements letter.

Senior Financial Analyst: Ziibimijwang Inc., Insurance, funding questions. Town Hall meeting. Requested assistance to increase knowledge of various federal funding opportunities. Discussed Economic Development.

Office Manager: Coordinated various administrative duties, Approved the May 2020 Wage Certificate for Indirect, Zoom License. Requested the coordination of a Zoom Training for the Legislative Branch, Approved use of signature stamp for phone poll documents.

Gaming Authority Matt Stemkoski/ Odawa Casino Resort: Requested revenue update, forwarded communication to Gaming Authority regarding staff concerns that came to another Tribal Councilor.

Tribal Historic Preservation Officer communication.

LTBB Youth Council.

Responded to various phone polls.

Responded to Citizen comment.

Motion made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to accept Legislative Leader Proctor's verbal and written report for June 25, 2020.

Vote: 8-yes, 0-no, 0 -abstained, 1-absent (Councilor Leroy Shomin)

Motion carried.

Secretary Report

Documents Delivered to Executive:

Tribal Resolution 061920-01 Limited Waiver of Sovereign Immunity for Green Sunrise Products LLC Petoskey Marijuana Retail License and Related Matters-signed 06/23/20

Tribal Resolution 061920-02 Limited Waiver of Sovereign Immunity for Green Sunrise Products LLC Mackinaw City Marijuana Retail License and Related Matters-signed 06/23/20

Vetoed: none

Phone Polls:

06/19/20 Reason for Phone Poll: Motion to adopt Tribal Resolution: Limited Waiver of Sovereign Immunity for Green Sunrise Products LLC Mackinaw City Marijuana Retail License and Related Matters.

06/19/20 Reason for Phone Poll: Motion to adopt Tribal Resolution: Limited Waiver of Sovereign Immunity for Green Sunrise Products LLC Petoskey Marijuana Retail License and Related Matters.

Motion made by Councilor Marty Van De Car and supported by Councilor Melissa Pamp to accept Secretary Shananaquet's verbal and written report as provided on the agenda for June 25, 2020.

Vote: 8-yes, 0-no, 0 -abstained, 1-absent (Councilor Leroy Shomin)

Motion carried.

10.23 a.m. Break

10:30 a.m. Resume

Treasurer Report

-Last Meeting 06/16/20: (Motions made at Appropriations and Finance Committee Meeting):

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend Tribal Council approval of CERTIFIED MOTION # 062520-01 Request for Funding from the Food and Nutrition Service FY 2021 Food Distribution Program on Indian Reservations (FDPIR). Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend Tribal Council approval of CERTIFIED MOTION # 062520-02 quest for Funding from the Bureau of Indian Affairs P.L. 93-638 Annual Funding Agreement Consolidated Tribal Government Programs Annual Contract FY 2021. Julie Shananaquet-Councilor Leroy Shomin Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend Tribal Council approval of CERTIFIED MOTION # 062520-03 Request for Funding from the Bureau of Indian Affairs P.L. 93-638 Annual Funding Agreement Law Enforcement Annual Contract FY 2021. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend Tribal Council approval of CERTIFIED MOTION # 062520-04 Request for Funding from the Indian Health Service Annual Funding Agreement FY 2021. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend Tribal Council approval of CERTIFIED MOTION # 062520-05 Request for Funding from the State of Michigan, Department of Health & Human Services Child Care Fund FY 2021: Human Services Component. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Councilor Leroy Shomin and supported by Secretary Julie Shananaquet to recommend Tribal Council approval of CERTIFIED MOTION # 062520-06 Request for Funding from the State of Michigan, Department of Health & Human Services Child Care Fund FY 2021: Tribal Court Component. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Councilor Leroy Shomin and supported by Secretary Julie Shananaquet to recommend Tribal Council approval of CERTIFIED MOTION # 062520-07 Request for Funding from the Administration for Children and Families Title IV-B of the Social Security Act FY 2020 – FY 2024 Title IV-B Continuation Funding. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Councilor Leroy Shomin and supported by Secretary Julie Shananaquet to recommend Tribal Council approval of CERTIFIED MOTION # 062520-08 Request for Funding from the Indian Health Service FY 2016 – FY 2020 Special Diabetes Program for Indians Non-Competitive Year 06. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Councilor Leroy Shomin and supported by Secretary Julie Shananaquet to recommend Tribal Council approval of CERTIFIED MOTION # 062520-10 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan for funding from the Office of Community Services Community Services Block Grant Emergency Assistance Program FY 2021. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend Tribal Council approval of CERTIFIED MOTION # 062520-11 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan for funding from the Office of Community Services Low Income Housing Energy Assistance Program FY 2021. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend Tribal Council approval of CERTIFIED MOTION # 062520-12 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan for funding from the Michigan Department of Health and Human Services Anishinaabek Healing Circle State Targeted Response Supplement FY 2020-2021. Vote: 3-yes, 0-no, 0-abstained, 0-absent Motion carried.

Motion Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend to Tribal Council to adopt TR# 062520-09, to be updated with additional information by the Appropriations and Finance Committee by June 25, 2020. Vote: 3-yes. Motion carried.

-Next Meeting: July 14, 2020 at 9:00 a.m. via Zoom

-Phone Polls passed by Appropriations and Finance Committee:

06/19/20 Reason for the Phone Poll: To recommend to Tribal Council to approve CERTIFIED MOTION # 062520-13 Request for Funding from State Court Administrative Office Swift and Sure Sanctions Probation Program (SSSPP) FY 2021. Vote: 3-yes

10:36 a.m. Councilor Leroy Shomin joins meeting

Motion made by Secretary Julie Shananaquet and supported by Councilor Melissa Pamp to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for June 25, 2020.

Vote: 9-yes, 0-no, 0-abstained, 0-absent

Motion carried.

Tribal Council Committee Reports:

Land and Reservation Committee

-Last Meeting: 06/10/20 (*Motions made at Land and Reservation Committee Meeting were reported at the June 11, 2020 Tribal Council Meeting*)

-Next Meeting: 07/17/20 at 9:00 a.m. via Zoom

Motion made by Councilor Melissa Pamp supported by Councilor Fred Kiogima to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for June 25, 2020.

Vote: 9 -yes, 0-no, 0-abstained, 0-absent

Motion carried.

Tribal Council Member Reports - none

Legislative Staff Reports:

Office of Finance and Revenue Report - Sr Financial Analyst Rachel Cope

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to recommend to Tribal Council to authorize Legislative Leader and Tribal Treasurer to sign the Merrill Lynch check request to transfer funds from the Little Traverse Bay Bands of Odawa Indians investment account for the Great American Fidelity / Crime Insurance Policy Renewal for Tribal Council in the amount of \$15,497.00 and made payable to broker representative Cottingham and Butler, PO Box 449 Dubuque IA 52004-0449, and submit same to Merrill Lynch.

Vote: 9-yes, 0-no, 0-abstained, 0-absent

Motion carried.

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc.

Traditional Tribal Burial Board, Inc.

Ziibimijwang, Inc.

Odawa Economic Affairs Holding Corp

Odawa Construction

Gaming Authority

Motion made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to accept Sr Financial Analyst Rachel Cope's verbal and written report for June 25, 2020.

Vote: 9-yes, 0-no, 0-abstained, 0-absent

Motion carried.

Tribal Historic Preservation Officer

Motion made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to accept Tribal Historic Preservation Officer Melissa Wiatrolik's verbal report as presented for June 25, 2020.

Vote: 9-yes, 0-no, 0-abstained, 0-absent

Motion carried.

Legislative Services Attorney

Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Kiogima to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report for June 25, 2020.

Vote: 9-yes, 0-no, 0-abstained, 0-absent

Motion carried.

General Counsel

Motion made by Councilor Marty Van De Car and supported by Councilor Fred Kiogima to accept General Counsel Jim Bransky's verbal report for June 25, 2020.

Vote: 9-yes, 0-no, 0-abstained, 0-absent

Motion carried.

Legislative Office Manager

Motion made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented for June 25, 2020.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Public Comment

11:45 a.m. Opens

- Citizen Sierra Boda commented on lack of wearing masks at Casino when not on gaming floor. Also had questions regarding Election processes for electronic petition gathering.

11:48 a.m. Closes

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to approve CERTIFIED MOTION # 062520-01 Request for Funding from the Food and Nutrition Service FY 2021 Food Distribution Program on Indian Reservations (FDPIR).

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Fred Kiogima to approve CERTIFIED MOTION # 062520-02 quest for Funding from the Bureau of Indian Affairs P.L. 93-638 Annual Funding Agreement Consolidated Tribal Government Programs Annual Contract FY 2021.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to approve CERTIFIED MOTION # 062520-03 Request for Funding from the Bureau of Indian Affairs P.L. 93-638 Annual Funding Agreement Law Enforcement Annual Contract FY 2021.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Marty Van De Car and supported by Councilor Tamara Kiogima to approve CERTIFIED MOTION # 062520-04 Request for Funding from the Indian Health Service Annual Funding Agreement FY 2021.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Marty Van De Car to approve CERTIFIED MOTION # 062520-05 Request for Funding from the State of Michigan, Department of Health & Human Services Child Care Fund FY 2021: Human Services Component.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to approve CERTIFIED MOTION # 062520-06 Request for Funding from the State of Michigan, Department of Health & Human Services Child Care Fund FY 2021: Tribal Court Component.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Tamara Kiogima to approve CERTIFIED MOTION # 062520-07 Request for Funding from the Administration for Children and Families Title IV-B of the Social Security Act FY 2020 – FY 2024 Title IV-B Continuation Funding.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to approve CERTIFIED MOTION # 062520-08 Request for Funding from the Indian Health Service FY 2016 – FY 2020 Special Diabetes Program for Indians Non-Competitive Year 06.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to approve Certified Motion 062520-09 Authorization and Support of Applications for and Acceptance of COVID-19 Related Funds Received under Tribal Resolution 032420-01 COVID-19 Suspension of Deadlines.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Tamara Kiogima to approve CERTIFIED MOTION # 062520-10 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan for funding from the Office of Community Services Community Services Block Grant Emergency Assistance Program FY 2021.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Tamara Kiogima to approve CERTIFIED MOTION # 062520-11 Request for Funding as a sub-grantee

from the Inter-Tribal Council of Michigan for funding from the Office of Community Services Low Income Housing Energy Assistance Program FY 2021.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Tamara Kiogima to approve CERTIFIED MOTION # 062520-12 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan for funding from the Michigan Department of Health and Human Services Anishinaabek Healing Circle State Targeted Response Supplement FY 2020-2021.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Fred Harrington Jr. to accept Tribal Chairperson Regina Gasco-Bentley nomination of Angie Wooden to the Housing Commission and set up an interview.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Fred Harrington Jr. to accept Tribal Chairperson Regina Gasco-Bentley nomination of Melissa Shomin to the Odawa Economic Affairs Holding Company and set up an interview.

Vote: 8-yes, 0-no, 1-abstained (Councilor Leroy Shomin), 0-absent

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Melissa Pamp to accept Tribal Chairperson Regina Gasco-Bentley nomination of Melissa Wiatrolik to the Tribal Burial Board and set up an interview.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Fred Kiogima and supported by Treasurer Marcella Reyes to authorize and approve Legislative Leader Proctor to sign and submit a letter, on behalf of Tribal Council, to the Odawa Economic Affairs Holding Corporation regarding the FY 2019 audit.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Marty Van De Car to pass Tribal Council Meeting Procedures Policy as updated.

Vote: 9-yes, 0-no, 0 -abstained, 0-absent

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Harrington Jr. to amend the agenda to include:

- CERTIFIED MOTION # 062520-13 Request for Funding from State Court Administrative Office,
- Letter to Tribal Chair regarding Gaming Authority nomination,
- Memorandum of Agreement with Odawa Economic Development Management, Inc., and
- Request for Proposal (RFP) for audit.

Vote: 9-yes, 0 -no, 0-abstained, 0-absent
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Marty Van De Car to approve CERTIFIED MOTION # 062520-13 Request for Funding from State Court Administrative Office Swift and Sure Sanctions Probation Program (SSSPP) FY 2021.

Vote: 9-yes, 0 -no, 0-abstained, 0-absent
Motion carried.

Motion made by Councilor Marty Van De Car and supported Treasurer Reyes by to authorize and approve Legislative Leader Proctor to send a letter to the Tribal Chair regarding the nomination of Marvin Mulholland to the Gaming Authority.

Vote: 9-yes, 0 -no, 1 (TK)-abstained, 0-absent
Motion carried.

Motion made by Councilor Marty Van De Car and supported by Councilor Tamara Kiogima to approve Memorandum of Agreement Between the Little Traverse Bay Bands of Odawa Indians and Odawa Economic Development Management, Inc., for Victories Square Road Construction and Maintenance.

Vote: 9-yes, 0 -no, 0-abstained, 0-absent
Motion carried.

Motion made by Councilor Leroy Shomin and supported Treasurer Reyes by to authorize and approve the Senior Financial Analyst Cope to post the Request for Proposals for an Auditor for the Tribe for a 3-year contract.

Vote: 9-yes, 0 -no, 0-abstained, 0-absent
Motion carried.

Personnel – Closed Session

12:15 p.m. Motion made by Councilor Marty Van De Car and supported by Councilor Melissa Pamp to go into closed session for personnel matter.

Vote: 9-yes, 0 -no, 0-abstained, 0-absent
Motion carried.

12:34 p.m. Motion made by Councilor Fred Kiogima and supported by Treasurer Marcella Reyes to return to open session.

Vote: 9-yes, 0 -no, 0-abstain, 0-absent
Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Fred Kiogima to approve the Renewal of the Office of Citizens Legal Assistance contract with attorney Cherie R. Dominic as presented on June 25, 2020 and authorize General Counsel Jim Bransky to sign on behalf of the Tribe.

Vote: 9-yes, 0-no, 0-abstained, 0-absent
Motion carried.

Adjournment

12:45 p.m. Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Kiogima to adjourn.

Vote: 9-yes, 0-no, 0-abstained, 0-absent
Motion carried.

These Minutes have been read and corrected

Julie Shananaquet July 9, 2020
Secretary Julie Shananaquet Date